

7-23-01

PTO/SB/05 (11-00)

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Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Attorney Docket No. Mo-6439/LeA 34,771

First Inventor Werner Zitzmann

Title Heliothis Virescens Ultraspiracle (USP)...

Express Mail Label No. ET146894696US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27
3. ☒ Specification [Total Pages 18]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. Oath or Declaration [Total Pages 2]
- a. ☒ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- b. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part(CIP)

of prior application No. /

Prior application information

Examiner

Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name

00157

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

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Fax

Name (Print/Type)

Jackie Ann Zurcher

Registration No. (Attorney/Agent)

42,251

Signature

Jackie Ann Zurcher

Date

July 20, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 CFR §§ 1.27 and 1.28

TOTAL AMOUNT OF PAYMENT (\$858.00)

## Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	Werner Zitzmann
Examiner Name	
Group / Art Unit	
Attorney Docket No.	Mo-6439/LeA 34,771

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 13-3848

Deposit Account Name Bayer Corporation

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid
101	690	201	Utility filing fee	710.00
106	310	206	Design filing fee	
107	480	207	Plant filing fee	
108	690	208	Reissue filing fee	
114	150	214	Provisional filing fee	

SUBTOTAL (1) (\$ 710.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-20** = 6	18	108
Independent Claims	2	-3** = 0	0
Multiple Dependent			0

\*\*or number previously paid, if greater, For Reissues, see below

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description
103	18	203	Claims in excess of 20
102	78	202	Independent claims in excess of 3
104	260	204	Multiple dependent claim, if not paid
109	78	209	** Reissue independent claims over original patent
110	18	210	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 108.00)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	380	216	190 Extension for reply within second month	
117	870	217	435 Extension for reply within third month	
118	1,360	218	680 Extension for reply within fourth month	
128	1,850	228	925 Extension for reply within fifth month	
119	300	219	150 Notice of Appeal	
120	300	220	150 Filing a brief in support of an appeal	
121	260	221	130 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,210	241	605 Petition to revive - unintentional	
142	1,210	242	605 Utility issue fee (or reissue)	
143	430	243	215 Design issue fee	
144	580	244	290 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Petitions related to provisional applications	
126	240	126	240 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	40.00
146	690	246	345 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345 For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____				
Other fee (specify) _____				
* Reduced by Basic Filing Fee Paid				
SUBTOTAL (3) (\$ 40.00)				

## SUBMITTED BY

Name (Print/Type)	Jackie Ann Zurcher	Registration No (Attorney/Agent)	42,251	Telephone	412-777-8356
Signature				Date	July 20, 2001

## WARNING:

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PATENT APPLICATION  
Mo-6439  
LeA 34,771

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF )  
 )  
WERNER ZITZMANN ET AL )  
 )  
SERIAL NUMBER: TO BE ASSIGNED )  
 )  
FILED: HEREWITH )  
 )  
TITLE: HELIOTHIS VIRESCENS )  
 )  
ULTRASPIRACLE (USP) PROTEIN )

**STATEMENT VERIFYING IDENTITY OF SEQUENCE LISTING**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The content of the sequence listing information recorded in computer readable form on the enclosed diskette is identical to the written paper sequence listing and includes no new matter.

The attached diskette is submitted in American Standard Code for Information Interchange (ASCII) text and is properly labeled for the convenience of the U.S. Patent & Trademark Office.

Respectfully submitted,

By Jackie Ann Zurcher  
Jackie Ann Zurcher  
Attorney for Applicants  
Reg. No. 42,251

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"Express Mail" mailing label number ET146894696US  
Date of Deposit July 20, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

Donna J. Veatch  
(Name of person mailing paper or fee)

\_\_\_\_\_  
Signature of person mailing paper or fee)